

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHARLES WHEAT,

Plaintiff(s),

vs.

CAMERON DANIEL, et al.,

Defendant(s).

)
)
)
)
)
)
)
)
)
)
)

Case No. 4:06CV00874 ERW

ORDER

This matter comes before the Court on Plaintiff's Motion to Compel [doc. #56]. The Court heard arguments from the parties on Plaintiff's Motion during a telephone conference on March 29, 2007.

Plaintiff, an inmate at the Moberly Correctional Center, seeks monetary, declaratory and injunctive relief in this 42 U.S.C. 1983 action against certain individual defendants. On July 25, 2006, the Court entered its Order dismissing this action pursuant to 28 U.S.C. § 1915(e)(2)(B). On August 11, 2006, the Court granted in part Plaintiff's motion to alter or amend judgment. The Court held that Plaintiff's allegations constitute a narrow basis for a constitutional claim for injunctive or declaratory relief to correct alleged false, negative information in his parole file and ordered Defendants to respond to Plaintiff's claim.

In the Motion to Compel, Plaintiff moves the Court to enter an Order compelling Defendant Dana Thompson, Chairman of the Missouri Board of Probation and Parole, to comply with Plaintiff's request for "Production of Documents and Other Tangible Things."

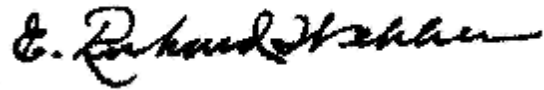
In opposing the Motion, Defendants state that it has already produced the 1989 Missouri

Sex Offender Program (“MOSOP”) Participation and Examination Report Plaintiff seeks.

Defendants also state that Plaintiff does not dispute any assertions of fact in the report, but merely disagrees with the professional opinions, evaluations and conclusions of Defendant Cameron Daniel, the MOSOP therapist. Defendants finally state that the other documents Plaintiff requests are irrelevant and subject to the statutory privilege of the Missouri Board of Probation and Parole, § 549.500 R.S.Mo.

Defendants shall produce to the Court, for *in camera* review, any report, document or paper, dated August 28, 1989 to the present date, that mentions the name “Cameron Daniel,” “Cameron,” or “Daniel,” no later than Friday, April 13, 2007.

So Ordered this 30th day of March, 2007.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE